

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

05/31/2005

8:00 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Lasker, Maloney, Mandia, & Nowicki
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor declared the Town Board Meeting open. Assemblage saluted the flag.

Special Presentation to Michael P. McDonald – The Town Board commended Mr. McDonald for being focused on his surroundings and finding the black bag which according to Chief Noonan put the puzzle together because the Police Department now has the DNA sample. Mr. McDonald has been a Parks Board and Recreation Commission employee for the past 20 years.

Public Hearing – Proposed Local Law entitled “A Local Law to Amend Chapter 254 ‘Subdivision of Land’ of the Town Code of the Town of Clarkstown,” Opened 8:12 p.m., Closed 8:20 p.m., Res. No. 424-2005 Adopted.

Supervisor opened the public portion of the meeting.

Martin Bernstein
New City

Item 4 - said that the comprehensive plan should be changed first before a zone change is done.

Karen Schmidt
Valley Cottage

Inquired about the signing of the easement that was mailed to Korea. Asked if the water quality report had come back and whether the landscaping is going to be done this week.

Frank De Toma
Valley Cottage

Asked about fact finding regarding the tower, and said his name was taken but he heard nothing since then regarding other sites. Inquired as to where the Muslim Trust is located and about the results from Tectonic. Asked the Town Board if they are aware of a newspaper article referring to dead spots and communications being limited. Inquired about when the Town Board will be in workshop again and if can they hire their own experts.

Warren Grodin
Valley Cottage

Inquired if other concepts are being considered and what if a better technology comes along. Asked if Morton Leifer has a formal opinion.

Patricia Santos
Valley Cottage

Said she is there to protest the erection of the tower and asked for an explanation on open space because she does not understand the open space land program.

Steve Levine
Congers

Spoke regarding a large number of inefficient vehicles when there are energy efficient vehicles that the Town could buy. Said that the Town should consider buying a fleet of vehicles that are energy efficient. New York City has them. Inquired why parcels of land on the agenda and resolution are identified by tax lot and block number and not by the address of properties. Inquired as to the large number of police officers at the Palisades Mall.

PUBLIC PORTION CONT.

Amy Appelbaum
Valley Cottage

Concerned about the communication towers in the other school. Said that public trust had been damaged because they had no knowledge at all and there was no coordination with the county. Inquired as to what are the criteria for the tower and has concerns about surveillance where there are cell towers now.

Richard Sussman
Upper Nyack

Inquired about the other sites being considered and if the water tower is being considered.

Victoria Perrotta
Valley Cottage

Asked about what will happen to the proposed legislation in Albany and what will happen to the open space land if the water tower becomes a communication tower.

Laura Boyd
Upper Nyack

Asked if the Town Board has considered condemnation of land and if the Town Board would consider condemnation of the Muslim site.

Greg Miller
Valley Cottage

Inquired if the Town could add 2 additional balloon tests and where on the Muslim Trust property they would consider putting this tower. Said he was on the internet with radio engineers who said there are other options and he explained what the engineers told him. He presented a petition with 300 names and said he is gathering more signatures. Explained that guide wire towers are cheaper to put up.

RESOLUTION NO. (424-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW TO AMEND CHAPTER 254 “SUBDIVISION OF LAND,” OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

was introduced by Councilman John R. Maloney, at a Town Board meeting held on April 12, 2005, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on April 12, 2005, directed that a public hearing be held on May 31, 2005, at 8:00 p.m., or as soon thereafter as possible, relative to such proposed local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on May 17, 2005, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilpersons at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on April 27, 2005, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on May 31, 2005;

RESOLUTION NO. (424-2005) CONT.

NOW, THEREFORE, be it RESOLVED, that Local Law No. 4 – 2005 entitled:

“A LOCAL LAW TO AMEND CHAPTER 254 “SUBDIVISION OF LAND,” OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

- Alexander J. Gromack, Supervisor Yes
- John R. Maloney, Councilman Yes
- Ralph F. Mandia, Councilman Yes
- Shirley Lasker, Councilwoman Yes
- Catherine M. Nowicki, Councilwoman Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia. Yes
- Co. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (425-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board Minutes of May 10, 2005 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia. Yes
- Co. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (426-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, on Petition of Tor Valley, Inc. and Davies Farm Inc., the Town Board of the Town of Clarkstown by resolution duly adopted on August 17, 2004, as amended on September 14, 2004, scheduled a public hearing on September 14, 2004 at 8:00 p.m., which public hearing was continued on various dates to October 26, 2004, January 18, 2005, February 8, 2005, and concluded on April 12, 2005, to consider the application of Amendment to the Zoning Local Law of the Town of Clarkstown by redistricting property owned by the petitioners, designated on the Clarkstown Tax Map as 51.9-1-50 and 51.9-1-51, more particularly described on Schedule “A” herein, from the R-22 District to the LS District, and

WHEREAS, notice of public hearing was duly published as required by law, said hearing was duly commenced at the time and place specified in the notice and continued

RESOLUTION NO. (426-2005) CONT.

on subsequent dates as described herein until April 12, 2005, when the record was closed, and

WHEREAS, by separate resolution of the Town Board, a simultaneous public hearing to hear and consider whether or not the Town of Clarkstown Comprehensive Plan should be amended was scheduled, and

WHEREAS, the Town Board of the Town of Clarkstown has duly considered all information presented by the applicant, the public, and has received a report from its Planning Consultant, Robert Geneslaw, which advises that the proposed Zone Change is an unlisted action for environmental review purposes, which the Board has discussed and considered in making its decision herein;

WHEREAS, the Town Board previously adopted a resolution approving this Zone Change on May 10, 2005 which contained minor errors in Paragraph "6" below which have been corrected in this revised resolution;

NOW, THEREFORE, be it RESOLVED, that based upon the report of Robert Geneslaw, dated April 5, 2004, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the requested Zone Change and concurrent, but prior for record purposes, Amendment of the Comprehensive Plan shall not have any significant impact on the environment, and that no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required for the action contemplated, and be it

FURTHER RESOLVED, that based on the report of the Clarkstown Planning Board and all of the other information made part of the record during the public hearing and the submissions of all interested parties, the Town Board hereby makes the following Findings of Fact and Determinations:

1. That the drainage study submitted on behalf of the applicant and reviewed by the Town's engineers has determined that there will be no flood plain, stream protection, wetland, drainage or water quality issues which cannot be resolved during site plan or subdivision review which would affect the proposed layout of the R-22 or LS portions of the property;
2. That the applicants' concept plan has demonstrated that single-family homes can be built between the existing stream and the proposed revised zoning district line;
3. That the traffic study submitted by the applicants and reviewed by the Town's independent traffic engineer consultant demonstrates that the plan proposed shall result in a significant improvement of traffic operations and safety in the area of the proposed commercial development and that the additional traffic can be accommodated at the intersections of Little Tor Road, New Valley Road and Milich's land provided the comments of the Town's independent traffic consultant as set forth in his report, dated March 21, 2005, are addressed at the planning stage by the Planning Board;
4. That the uses permitted by the proposed change would be appropriate in the area because they are uses that currently exist in and around the area. The proposed zone change would extend an existing LS zoning district having several existing retail and service establishments;
5. That the adequate public school facilities and other public services already serve the existing site;
6. That the adequate water supply and sanitary sewer service currently serves the area, and that further development shall be subject to verification that adequate water supply shall continue to be available;

RESOLUTION NO. (426-2005) CONT.

7. That in the vicinity of the area to be rezoned, there is approximately 3 acres of LS zoned property, most of which is currently developed and within the Town there is very little undeveloped LS zoned property, especially on the order of 6 or more acres;
8. That given the reduced amount of available LS property in the Town, the recent development and redevelopment of LS zoned property in the Town has been slow;
9. That the proposed zoning amendment will reduce the potential for residential development as envisioned by the Comprehensive Plan, and in accordance with the stated goals of the Comprehensive Plan, the proposed amendment will allow for redevelopment of a commercial area, encourage economic development opportunities, and provide goods and services to meet the needs of Town residents;
10. That the proposed zone change will result in a decrease of the total zoned residential land of the Town by 4.6 acres, thereby reducing the potential number of single-family homes that can be developed and the demand for additional public school facilities and other public services;
11. That the redevelopment of this property may encourage the investment and revitalization of the other existing LS zoned property in the vicinity;
12. That development of additional non-residential land may be needed to provide commercial services and employment in the Town, but there is such land available for development of commercial establishments in the subject area beyond what is proposed, provided, however, if there were to be further requests for similar zone changes such as redistricting may adversely impact the surrounding residential neighborhoods;

and be it FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Local Law of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as 51.9-1-50 and 51.9-1-51, situate in the Hamlet of New City, from the R-22 District to the LS District, which is described on the attached Schedule "A" provided, however, that such zone change shall be subject to the conditions set forth herein and that the property owner shall execute and record a Declaration of Covenant, in a form satisfactory to the Town Attorney, which shall run with the land for the entire parcel of land owned by the applicants, and which shall provide the following:

1. That the rezoned property shall be subject to site plan approval for the construction of not more than a one story 30,000 square foot shopping center with a free standing 4,000 square foot bank building;
2. That the remaining R-22 portion of applicants' land consisting of approximately 11.84 acres shall, when developed, be limited to development of single-family homes in accordance with the applicable regulations;
3. That the applicant/developer shall take into consideration the existence of federal wetlands on the site and not seek to develop same without taking into account appropriate reductions in lot area for such existing wetlands;
4. That the applicant/developer shall provide proof prior to seeking final approval for its site plan that there is sufficient public water available to meet the community's needs for water supply during peak usage periods or during drought periods;
5. That the redistricting of the subject lands should not be interpreted to guarantee to the applicant/developer the building sizes proposed or lot count suggested in the submission, but that such is properly subject to evaluation by the Planning Board during subsequent site plan and subdivision reviews;

RESOLUTION NO. (426-2005) CONT.

6. That prior to submission of any portion of the rezoned property for site plan approval or subdivision of the adjacent property owned by the applicants, the property owner(s) shall execute a covenant running with the land, in a form acceptable to the Town Attorney, legally effective to restrict use of the LS zoned portion of the premises from the following uses:

- A. "Restaurant-Fast Food" establishments as defined in the Clarkstown Zoning Local Law Section 290-3;
- B. Supermarkets in excess of 4,000 sq. ft. of gross leased area;
- C. Department Stores in excess of 4,000 sq. ft. of gross leased area;
- D. Tattoo parlor or any establishment which provides tattooing of the human body by any means which results in the placement in human tissue of any indelible design, figure, symbol or mark with the aid of any needle or other instrument which design, figure, symbol or mark is visible upon or under the skin of the person;
- E. Massage Parlor or massage establishment, where the manipulation of human body muscle, tissue by rubbing, stroking kneading or tapping by hand or mechanical device shall occur unless same is administered by a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor, osteopath, acupuncturist, or similarly licensed professional;
- F. Bar, Tavern, Saloon or Grill, or any establishment offering for sale any alcoholic beverage for on premises consumption unless such establishment shall meet the criteria of a "Restaurant Standard" as defined in the Town of Clarkstown Zoning Local Law in Section 290-3; and
- G. Alcohol and Substance Abuse Clinic or Treatment Center offering services for the treatment of alcohol or drug abuse where neither meals or lodging is provided,

and be it FURTHER RESOLVED, that the Zone Change described herein is deemed to be effective and subsequent to the Town Board's resolution amending the Town of Clarkstown Comprehensive Plan, adopted April 12, 2005, which clarifies the Town Board's intent with respect to provision for adequate buffering of residential districts from adjacent commercially zoned districts, and be it

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby directed to prepare the Amendment to the Zoning Map to show the District Zone Change provided herein and to distribute same as required by law.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (427-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Councilperson Nowicki, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

RESOLUTION NO. (427-2005) CONT.

“AMENDMENT TO CHAPTER II7 (CIRCUSES AND CARNIVALS)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

and WHEREAS, the proposed local law is intended to amend Section 117-13 (Exception) to provide that the Town Board may, for good cause, from time to time, by resolution, authorize the Building Inspector to issue licenses for circuses and carnivals in excess of fourteen days;

NOW, THEREFORE, be it FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on June 14, 2005, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred to the Rockland County Commissioner of Planning for review and recommendation.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia. Yes
- Co. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (428-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, ROCKLAND JEWISH COMMUNITY CENTER CORPORATION has petitioned the Town Board of the Town of Clarkstown, requesting a change of zone from the LO District to the LIO District for premises designated on the Clarkstown Tax Map as 58.19-1-11, located at 450 West Nyack Road, West Nyack, New York;

NOW, THEREFORE, be it RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown, and to the Rockland County Commissioner of Planning, and the other municipalities and governmental bodies as required by Section 239-l and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on June 28, 2005 at 8:00 p.m., and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Joseph Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

RESOLUTION NO. (428-2005) CONT.

FURTHER RESOLVED, that Jose Simoes, Town Planner, shall also review and report to the Town Board whether or not the proposed action, if approved shall be consistent with the Town of Clarkstown Comprehensive Plan, and be it

FURTHER RESOLVED, that the public hearing scheduled herein shall proceed simultaneously with a further public hearing scheduled by the Town Board which shall consider Amendment to the Comprehensive Plan should same become necessary as a result of any action the Town Board may take on the petition referred to above.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (429-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town Board has determined to consider a proposed zone change described in the petition of ROCKLAND JEWISH COMMUNITY CENTER CORPORATION, affecting premises known and described on the Clarkstown Tax Map as 58.19-1-11, and in the event such zone change, if approved, would be in conflict with the Town of Clarkstown Comprehensive Plan as adopted on June 30, 1999, it would be appropriate to consider the need to amend such Comprehensive Plan;

NOW, THEREFORE, be it RESOLVED, that a public hearing, pursuant to Sections 264, 265 and 272-a of the Town Law, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on June 28, 2005 at 8:00 p.m., or as soon thereafter as possible, to review and consider amendment of the Town's Comprehensive Plan for zoning with respect to the presently pending proposed zone change described in the petition of ROCKLAND JEWISH COMMUNITY CENTER CORPORATION, referred to herein, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the Clarkstown Planning Board is hereby requested to review the Comprehensive Plan and to report, with recommendation, to the Town Board regarding the need, if any, to amend same should the Town Board determine to grant the zone change request described herein.

RESOLUTION NO. (429-2005) CONT.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (430-2005)

Co. Nowicki offered and Co. Maloney seconded

WHEREAS, Orange and Rockland Utilities, Inc. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Tax Map 65.9-2-26 (formerly known as 89-A-19), Tax Map 57.11-1-44 (formerly known as 7-A-2), Tax Map 52.11-1-11 (formerly known as 110-A-2.2), Tax Map 609.4-32 (formerly known as 9-D-32), Tax Map 609.4-46 (formerly known as 9-D-46) and Tax Map 609.4-51 (formerly known as 9-D-51) for the year(s) 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05, and

WHEREAS, based upon the recommendation of the Assessor for the Town of Clarkstown, the Tax Certiorari Counsel for the Town of Clarkstown and counsel for the affected school districts, it is desirable to retain an engineering and assessing consultant for the purpose of determining a valuation of the aforesaid parcels to help negotiate a settlement of aforesaid matter;

NOW, THEREFORE, be it RESOLVED, that based upon the recommendation of the Assessor and Tax Certiorari Counsel, Bernard Kushner, P.E. be retained for the purpose of determining such valuation at a fee of \$100.00 per hour, not to exceed a total fee of \$7,500.00 and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (431-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, DOUBLE H-NGW, INC. V. THE TOWN OF CLARKSTOWN, its ASSESSOR and BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index No(s). 4051/98, 3860/99, 3819/00, 4032/01, 4694/02, 4594/03 and 4654/04 affecting parcel(s) designated as Map 65.35, Block 1, Lot 1, (f/k/a 120-B-1) and more commonly known as 55 Route 59, Central Nyack, New York for the year(s) 1998/99, 1999/00, 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

RESOLUTION NO. (431-2005) CONT.

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Nyack School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.35, Block 1, Lot 1 be reduced for the year(s) 2001/02 and 2002/03 from \$373,300 to \$333,300 at a cost to the Town of \$466.68 for the year 2001/02 and \$476.78 for the year 2002/03;

2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.35, Block 1, Lot 1 be reduced for the year(s) 2003/04 from \$373,300 to \$308,300 at a cost to the Town of \$806.87;

3. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 65.35, Block 1, Lot 1 be reduced for the year(s) 2004/05 from \$317,300 to \$302,300 at a cost to the Town of \$214.87;

4. Reimbursement for the year(s) 2001/02, 2002/03, 2003/04 and 2004/05 on the parcel described as Map 65.35, Block 1, Lot 1, as stated above, be made within sixty (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;

5. The proceedings commenced by the petitioner respecting Map 65.35, Block 1, Lot 1 be discontinued for the year(s) 1998/99, 1999/00 and 2000/01;

6. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel and the Assessor for the Town of Clarkstown are authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (432-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, K. Luke Kalarickal, Director of the Department of Environmental Control, has advised that the New York State Department of Transportation has tendered a contract award (Project No. S4157) to the Town of Clarkstown in the amount of \$100,000.00, for partial reimbursement of costs incurred by the Town for the Bittern Lane-Pascack Creek Drainage Improvement Project, and has recommended that the Town Board accept said grant;

RESOLUTION NO. (432-2005) CONT.

NOW, THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the New York State Department of Transportation (Project No. S4157), in a form approved by the Town Attorney, to obtain State grant for reimbursement for costs incurred in the Bittern Lane-Pascack Creek Drainage Improvement Project in the amount of \$100,000.00.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (433-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the County of Rockland wishes to assist the Town of Clarkstown in its crime intelligence gathering and drug law enforcement activities, and

WHEREAS, the Town of Clarkstown wishes to provide the Rockland County Narcotics Task Force with two members of its Police Department for crime fighting activities, and

WHEREAS, the County of Rockland initiated a program by Resolution No. 200-2005 to reimburse local municipalities for drug law enforcement activities, and the Legislature of Rockland County has provided funds in its 2005 Budget for the purpose of reimbursement of compensation for two Clarkstown Police Officers for said law enforcement;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, in a form approved by the Town Attorney, to accept financial assistance for the purpose of reimbursement of compensation for two Clarkstown Police Officers assigned to the Rockland County Narcotics Task Force, in the sum of \$67,311.00 per officer, for the period January 1, 2005 through December 31, 2005.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (434-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Chief of Police, Peter Noonan, has advised that the New York State Department of State has tendered a contract award (#M040293) to the Clarkstown Police Department for \$30,000.00, which shall be used for the purchase of computer hardware and software, to enhance the City Watch Program of the Town of Clarkstown Police Department, and

RESOLUTION NO. (434-2005) CONT.

WHEREAS, the Chief of Police has recommended that the Clarkstown Police Department accept said grant;

NOW, THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the New York State Department of State (NYS Contract #M040293), in a form approved by the Town Attorney, to obtain funding in the amount of \$30,000.00, for the purpose of purchasing computer equipment to be used by the Clarkstown Police Department, for the period April 1, 2004 through July 31, 2006.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (435-2005)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, The Summit School at Nyack, an educational treatment program for children with learning and adjustment difficulties, has proposed to provide students, beginning July 7, 2005 through August 15, 2005, to work in the Clarkstown Highway facility, 12 Seeger Drive, Nanuet, New York, for the purpose of obtaining pre-vocational skills training at no cost to the Town of Clarkstown, and

WHEREAS, the Superintendent of Highway has advised that he would like to participate in this program, and believes that the students could provide valuable assistance to the Highway Department by obtaining on site meaningful pre-vocational work experience;

NOW, THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into an agreement approved by the Town Attorney, with The Summit School at Nyack, to provide for pre-vocational skills training at the Clarkstown Highway facility, 12, Seeger Drive, Nanuet, New York, for up to fifteen (15) students of this school, for the period July 7, 2005 through August 15, 2005, provided that the school agrees to indemnification to protect the Town from any liability and provide the necessary certificate of insurance naming the Town of Clarkstown as an additional insured, and supplies supervisors to be present at all times when the students are present at the Clarkstown Highway facility.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (436-2005)

Co. Lasker offered and Co. Nowicki seconded

Whereas, the Red Knights NY18 (Rockland) Motorcycle Club has requested use of the Town of Clarkstown showmobile on Sunday, September 25, 2005, raindate of

RESOLUTION NO. (436-2005) CONT.

October 2, from 12 noon to 6:00 p.m. for a public ride to raise funds for the family of John McDonough who was heavily involved in Rockland Paramedics and a volunteer with the Nyack Fire Department,

Now, therefore, be it resolved, that permission is hereby granted to the Red Knights NY 18 (Rockland) Motorcycle Club to use the Town of Clarkstown showmobile on Sunday, September 25, 2005 for the above purpose and subject to the provision of the necessary insurance policies.

Further resolved, that the Town Board hereby waives the fee for the use of the Town of Clarkstown showmobile on Sunday, September 25, 2005.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia. Yes
- Co. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (437-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Board hereby authorizes Martus Granirer, Deputy Town Attorney, to attend The Hudson River Estuary Advisory Committee meeting to be held on May 18, 2005, at the Hudson River Foundation office at One Battery Place, New York, New York, and be it

FURTHER RESOLVED, that the cost of travel and any necessary expenses will be charged to Account No. A 1010-414, and be it

FURTHER RESOLVED, that this resolution is made retroactive to May 13, 2005.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia. Yes
- Co. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (438-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that the Town Board hereby authorizes the placement of a full-page advertisement for the Town of Clarkstown in the 2005 "Living Here" section of the Journal News on June 26, 2005, and be it

FURTHER RESOLVED, that the fee for this advertisement shall not exceed the sum of \$1,583.75, which shall be charged to Account No 6410-405.

RESOLUTION NO. (438-2005) CONT.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (439-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Deputy Town Attorney - Purchasing is hereby authorized to advertise for bids for:

BID #37-2005 – MAINTENANCE AND REPAIR OF TRAFFIC SIGNALS AND PEDESTRIAN CONTROL DEVICES

Bids to be returnable to the office of the Deputy Town Attorney - Purchasing, 10 Maple Avenue, New City, New York by (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney - Purchasing.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (440-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Deputy Town Attorney - Purchasing is hereby authorized to advertise for bids for:

BID #38-2005 – HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

Bids to be returnable to the office of the Deputy Town Attorney - Purchasing, 10 Maple Avenue, New City, New York by (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Deputy Town Attorney - Purchasing.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (441-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Purchasing Department is hereby authorized to advertise for bids for:

BID #39-2005 – SPRAY TRUCK FOR SALT BRINE SYSTEM FOR CLARKSTOWN HIGHWAY DEPARTMENT

Bids to be returnable to Purchasing Department, 10 Maple Avenue, New City, New York by (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (442-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Purchasing Department is hereby authorized to advertise for bids for:

BID #40-2005 – SALT BRINE SYSTEM FOR CLARKSTOWN HIGHWAY DEPARTMENT

Bids to be returnable to Purchasing Department, 10 Maple Avenue, New City, New York by (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (443-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Purchasing Department is hereby authorized to advertise for bids for:

BID #41-2005 – CLAW ATTACHMENT FOR CLARKSTOWN HIGHWAY DEPARTMENT

RESOLUTION NO. (443-2005) CONT.

Bids to be returnable to Purchasing Department, 10 Maple Avenue, New City, New York by (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (444-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Purchasing Department is hereby authorized to advertise for bids for:

BID #42-2005 – ROLL-OFF FOR CLARKSTOWN HIGHWAY DEPARTMENT

Bids to be returnable to Purchasing Department, 10 Maple Avenue, New City, New York by (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (445-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A "Pedestrian Crosswalk" sign on the East and West side of Church Street, Nanuet, the appropriate distance from the crosswalk. See section 235.1 a W5-2 sign. The NYS Manual of Uniform Traffic Control Devices.

And be it FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (446-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

“No Parking Anytime” signs (see sec. 221.5 – P1-1 signs with directional arrows) on both sides of Bluebird Drive, Congers, NY. 50 ft. from the entrance to the Congers Ambulance Corps building.

And be it FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (447-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install:

A “No U Turn” sign on the Westside of Highview Avenue, Nanuet, where the roadway narrows (adjacent to house number 25).

And be it FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne Ballard, for implementation.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (448-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Brian Healy, 32 Van Buren St., Stony Point, New York, Police Officer – Clarkstown Police Department – is hereby accepted – effective and retroactive to May 27, 2005.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia. Yes
Co. Nowicki. Yes
Supervisor Gromack Yes

RESOLUTION NO. (449-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation (by retirement) of Joseph A. Orlandi, 24 Windmill Lane, New City, New York, Police Officer – Clarkstown Police Department is hereby accepted – effective and retroactive to May 27, 2005.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia. Yes
- Co. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (450-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #00220 which contains the name of Michael Benzinger,

Now, therefore, be it RESOLVED, that Michael Benzinger, 10 East Orchard Street, Nanuet, New York is hereby appointed to the position of (Permanent) Police Officer – Clarkstown Police Department at the current 2005 annual salary of \$53,378., effective May 31, 2005.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia. Yes
- Co. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (451-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Officer #00220 which contains the name of William A. Gomez,

Now, therefore, be it RESOLVED, that William Gomez, 76 Alexander Court, Nanuet, New York is hereby appointed to the position of (Permanent) Police Officer – Clarkstown Police Department at the current 2005 annual salary of \$53,378., effective May 31, 2005.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia. Yes
- Co. Nowicki. Yes
- Supervisor Gromack Yes

RESOLUTION NO. (452-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the resignation of Michael Sforza, 7 Scarlett Court, Apt. 28, New City, New York – Motor Equipment I – Highway Department – is hereby accepted – effective and retroactive to May 27, 2005, at the close of the business day.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (453-2005)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that Frank Fee, 34 Beechwood Drive, Congers, New York is hereby appointed to the position of (temporary) Assistant Transit Operation Supervisor (Towns) – Mini Trans Department – to cover in the absence of the Transit Operation Supervisor (Towns) and to assist in the Drivers Annual Road Test and Written Examination which requires a 19A Certified Examiner – at the current hourly rate of \$25.00 – effective and retroactive to May 23, 2005 for a period not to exceed (90) days.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (454-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, the Superintendent of Highways has recommended the purchase of equipment as follows:

EQUIPMENT

Quantity	Vehicle	<u>Estimated Cost</u> Per Vehicle	<u>Estimated Total Cost</u>
3	Plows	\$160,000.00	\$480,000.00
1	Salt Brine System with Spray Truck	\$180,000.00	\$180,000.00
1	Roll-Off	\$150,000.00	\$150,000.00
1	Claw	\$135,000.00	\$135,000.00
4	Chevy Tahoes	\$25,000.00	\$100,000.00
1	Backhoe	\$95,000.00	\$95,000.00
			<u>\$1,140,000.00</u>

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the purchase of this equipment, and be it

RESOLUTION NO. (454-2005) CONT.

FURTHER RESOLVED, that said equipment shall be procured by soliciting competitive bids; and be it

FURTHER RESOLVED that the purchase of said equipment, in an amount not to exceed \$1,140,000.00 in the aggregate, shall be charged to Account No. H 8755-409-0-79-17.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (455-2005)

Co. Lasker offered and Co. Nowicki seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called the "Town"), is hereby authorized to acquire equipment for use by the Highway Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,140,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,140,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,140,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the class of objects or purposes for which \$1,040,000 of said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years. The period of probable usefulness applicable to the class of objects or purposes for which \$100,000 of said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

RESOLUTION NO. (455-2005) CONT.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in "THE JOURNAL-NEWS," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on May 31, 2005, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted May 31, 2005, authorizing the acquisition of equipment for use by the Highway Department, stating the estimated maximum cost thereof is \$1,140,000, appropriating said amount therefor, and authorizing the issuance of \$1,140,000 serial bonds of said Town to finance said appropriation,"

RESOLUTION NO. (455-2005) CONT.

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire equipment for use by the Highway Department; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,140,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,140,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,140,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which \$1,040,000 of said bonds are authorized to be issued is fifteen (15) years; the period of probable usefulness applicable to the purpose for which \$100,000 of said bonds are authorized to be issued is ten (10) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,140,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 31, 2005

Patricia Sheridan
Town Clerk

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia Yes
Co. Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (456-2005)

Co. Maloney offered and Co. Lasker seconded

Whereas, following consultation with a representative of Orange and Rockland Utilities, Inc., it is necessary to have test holes excavated for the purpose of determining the depth and location of existing sub-surface gas lines at various locations within the limits of the Downtown Valley Cottage Improvement Project; and

Whereas, the Department of Environmental Control has solicited proposals from qualified contractors to provide the labor and equipment required on a per day basis to perform this work with material costs to be reimbursed on a cost per unit (in place) basis; and

Whereas, the Department of Environmental Control has received three (3) responses to its solicitation; and

Whereas, the Department of Environmental Control has reviewed said proposals and found them to be acceptable;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Environmental Construction, Inc.
P.O. Box 583
Stony Point, New York 10980

to perform said work in accordance with their proposal of \$2,871.28 per day for labor and equipment and material costs of \$25.00 per ton of sub-base material, \$61.00 per ton of binder course asphalt and \$63.00 per ton of top course asphalt; and

Be It Further Resolved that the costs associated with this work shall not exceed \$15,000.00 without further Town Board resolution; and

Be It Further Resolved that this shall be a proper charge to account # H 8736-409-0-67-16.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia Yes
Co. Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (457-2005)

Co. Nowicki offered and Co. Lasker seconded

WHEREAS, Town Board Resolution #282-2005 authorized the Director of the Department of Environmental control to retain the services of Ascape Landscaping & Construction Corp. to install drainage within the Town ROW in the vicinity of 26 & 28 London Terrace; and

WHEREAS, utility conflicts in the field required additional work and materials to complete the project; and

WHEREAS, the Department of Environmental Control has reviewed a change order for this project, described as follows, and found it to be acceptable.

RESOLUTION NO. (457-2005) CONT.

Replace proposed 56' of HDPE pipe with 56' of Reinforced concrete pipe.
 Furnish and install additional catch basin.
 Rock excavation not included in original contract. \$3,338.82

NOW, THEREFORE, BE IT RESOLVED that the total approved cost for this change order is \$3,338.82; and

BE IT FURTHER RESOLVED that the current budget allowance for this project be increased from \$16,991.00 to \$20,329.82 to reflect the additional cost of the change order; and

BE IT FURTHER RESOLVED that this shall continue to be a proper charge to account #H 8755 409 0 79 8.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia. Yes
 Co. Nowicki. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (458-2005)

Co. Nowicki offered and Co. Lasker seconded

Whereas, the Town Board of the Town of Clarkstown has previously authorized the Department of Environmental Control to retain the services of Danny Clapp Landscaping, Inc. to perform emergency repairs to an existing gabion wall located within an existing Town drainage easement on Brookridge Drive in Valley Cottage; and

Whereas, additional deterioration of the unimproved stream channel poses a threat to the newly repaired gabion wall; and

Whereas, the situation poses a threat to public property which requires immediate action;

Whereas, the Department of Environmental Control has solicited a proposal from Danny Clapp Landscaping, Inc. to restore the existing stream and to stabilize its embankments and streambed using rip-rap stone to be supplied by the Town of Clarkstown; and

Whereas, the Department of Environmental Control has received said proposal in the amount of \$3,795.00; and

Whereas, the Department of Environmental Control has reviewed said proposal and found it to be reasonable in scope and cost;

Now, Therefore, Be It Resolved that the allowance for this project be increased from \$67,955.00 to \$71,750.00 to reflect the cost of this additional work; and

Be It Further Resolved that this shall be a proper charge to account # H 8754 409 0 78-32.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia. Yes
 Co. Nowicki. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (459-2005)

Co. Nowicki offered and Co. Lasker seconded

Whereas, the Town Board of the Town of Clarkstown has previously awarded a contract to McLaren Engineering Group of West Nyack, New York to perform survey, drainage analysis and engineering services for the Quaspeck Park Storm Drain Project in Valley Cottage; and

Whereas, McLaren Engineering Group has met with the Department of Environmental Control and requested that the mapping limits for this project be increased beyond the original scope of work to include approximately 30 inlets and associated piping in a subdivision adjacent to the project area in order to adequately model the existing flow conditions within said project area; and

Whereas, the Department of Environmental Control has requested and obtained a proposal in the amount of \$4,000.00 from McLaren Engineering Group to perform the additional field survey work; and

Whereas, the Department of Environmental Control has reviewed said proposal and found it to be acceptable;

Now, Therefore, Be it Resolved that the allowance for the design phase of this project be increased from \$95,000.00 to \$99,000.00 to reflect this increase; and

Be It Further Resolved that this shall be a proper charge to account # H 8755 - 409 - 0 - 79 - 1.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (460-2005)

Co. Nowicki offered and Co. Lasker seconded

RESOLVED, that resolution No. 619-2004 Bid #48-2003 Congers Station & Restoration Project is hereby amended to reflect the additional cost of a change order in connection with the electrical component of the contract.

WHEREAS, the change order is required for the installation of 3 additional site lights necessary to insure the safety of our residents at the Congers Station.

WHEREAS, Alberto & Associates and Charles F. Connington, Supt. of Recreation and Parks recommend the change order be hereby approved,

NOW, THEREFORE BE IT RESOLVED, that a change order in the amount of \$17,373.12 be approved for All Bright Electric,

BE IT FURTHER RESOLVED, that all expenses be charged to account H-8751-400-409-75-16.

RESOLUTION NO. (460-2005) CONT.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (461-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution No. 913-2004, the Town Board authorized the Supervisor to retain the services of H2M Group to provide engineering and other services for the purpose of evaluating the Town's options for the long term operation of its Solid Waste Transfer Station at a cost not to exceed \$38,500; and

WHEREAS, the Town requires additional engineering and consulting services in connection with the preparation of Requests for Proposals to operate its Solid Waste Transfer Station; and

WHEREAS, H2M Group has submitted a proposal to perform said additional services, at a cost of \$200.00 per hour; and

WHEREAS, the Deputy Town Attorney – Purchasing, has reviewed said proposal and found said proposal to be reasonable in terms of scope and cost;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to enter into an amendment to the Town's agreement with H2M Group, in a form approved by the Town Attorney, for the performance of engineering and consulting services in accordance with H2M Group's May 24, 2005 proposal, and be it

FURTHER RESOLVED, that the fee for said services, not to exceed \$20,000, shall be a proper charge to Account No. SR 8160-409.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (462-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Chapter 626 of the Laws of 1991 (General Municipal Law, Article 13BB), authorizes and empowers towns to enter into "Adopt a Municipal Park, Shoreline or Roadway Programs" with volunteers or groups in an effort to reduce and remove litter from parks, shoreline, roadways and other public lands, and

WHEREAS, the following group wishes to adopt a segment of various town roads for a period of two (2) years, beginning May 31, 2005 to May 31, 2007, as follows:

RESOLUTION NO. (462-2005) CONT.

Sponsor: Blue Sky Lawn Care & Landscape, Inc.
505 Kings Highway, Valley Cottage, NY 10989

Roads: 1.14 mile segment on Lake Road from Kings Highway
to Route 9W, Valley Cottage,
and
.75 mile segment from the Railroad Tracks in Valley Cottage to
Crusher Road on Kings Highway in Valley Cottage, and

WHEREAS, it is anticipated that Town money will be saved through the implementation of the volunteer program, in that the Blue Sky Lawn Care & Landscape, Inc., organization will perform a public service in removing trash from above roadways which would otherwise require Town employees to perform such work;

NOW, THEREFORE, be it RESOLVED, that the Town Board of the Town of Clarkstown authorizes the Supervisor to enter into an agreement, for a period of two (2) years beginning May 31, 2005 to May 31, 2007, in a form approved by the Town Attorney, and Wayne T. Ballard, P.E., C.S.P., Superintendent of Highways, to adopt above segments, and to provide and coordinate services by Blue Sky Lawn Care & Landscape, Inc., organization, to remove trash from the roadways.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia Yes
Co. Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (463-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, Alexander J. Gromack, Supervisor has advised that State Senator Thomas P. Morahan has been instrumental in securing a grant from the New York State Department of Environmental Conservation (Contract No. M030072) to the Town of Clarkstown in the amount of \$50,000.00, for a drainage study of the West Nyack area;

NOW, THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with the New York State Department of Environmental Conservation, in a form approved by the Town Attorney, to accept State grant (No. M030072) for a drainage study in the West Nyack area.

On roll call the vote was as follows:

Co. Lasker Yes
Co. Maloney Yes
Co. Mandia Yes
Co. Nowicki Yes
Supervisor Gromack Yes

RESOLUTION NO. (464-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown Department of Environmental Control is in need of certain surveying equipment; and

WHEREAS, the Department of Environmental Control requested three (3) written quotations for said equipment from qualified vendors; and

WHEREAS, the Department of Environmental Control has recommended that the Town of Clarkstown enter into a lease-purchase agreement with the low bidder;

NOW, THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Director, Environmental Control and the Deputy Town Attorney, Purchasing, the Town is hereby authorized to enter into an agreement, in a form satisfactory to the Town Attorney, with Brandis & Sons, Inc. for the lease purchase of certain survey equipment, for a total purchase price of \$8,535.00.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (465-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown created a committee to research the need for the creation of a Geographic Information System (GIS) division within the Town's existing Data Processing department; and

WHEREAS, the GIS Committee has concluded that it would be in the best interests of the Town to create a GIS division; and

WHEREAS, the GIS Committee further recommended that the Town retain the services of a GIS consultant to conduct a needs assessment in order to properly structure and staff the GIS division; and

WHEREAS, the Town has received a proposal from Douglas Schuetz, Director of GIS for the County of Rockland, to perform the required needs assessment; and

WHEREAS, the County of Rockland has determined that the rendering of such services by Mr. Schuetz would not result in a conflict of interest;

NOW, THEREFORE, BE IT, RESOLVED, that the Town of Clarkstown is hereby authorized to enter into an agreement with Douglas Schuetz, in a form acceptable to the Town Attorney, to conduct a needs assessment as per his proposal dated May 9, 2005; and be it

FURTHER RESOLVED, that the fee for said services shall be \$72.00 per hour (plus reasonable expenses as per the proposal), provided, however, that the total cost of said services shall not exceed \$20,232 without further authorization from the Town Board.

RESOLUTION NO. (465-2005) CONT.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (466-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, Dennis Malone, Transit Operations Supervisor, is hereby authorized to attend the New York State Department of Motor Vehicles 19A Certified Examiners refresher course on September 27, 2005 in Westchester County, New York; and be it

FURTHER RESOLVED, that the total cost of \$89.00 for such conference, and other reasonable expenses for tolls, travel and meals shall constitute a proper charge to Account A 1010-414 (Schools and Conferences).

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (467-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, certain veteran organizations have requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it RESOLVED, that in accordance with Section 64(12 and 13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$250 for patriotic observance and \$500 for leasing or rental, and maintenance of meeting facility) to the following veteran organizations for the year 2005:

American Legion - Post 794
(Nanuet)

Veterans of Foreign Wars - Post 126
(Valley Cottage)

and be it FURTHER RESOLVED, that claims for such sums shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 2005 Account No. A 6510-401.

RESOLUTION NO. (467-2005) CONT.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (468-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Town of Clarkstown has in its possession security deposit in the amount of \$1,000.00, submitted by J.M.C. Industries, Inc., (J.M.C.) to secure Road Opening Permit No. 205520 issued to permit connection of a new subdivision into the sewer system at Red Hill Road and Hansen Avenue, New City, New York, and

WHEREAS, the Highway Department has advised that the road work has been left in an unacceptable condition and that it has been unable to reach J.M.C. to obtain the necessary corrections because the permittee no longer has an active telephone or known address;

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Superintendent of Highways the Town Board hereby declares the permittee Road Opening Permit No. 205520 to be in default, and directs the funds necessary to cover the Town's costs to correct the deficiency of the road to be charged against said fund with the balance, if any, to be held for the benefit of any properly identified and qualified claimant.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (469-2005)

Co. Lasker offered and Co. Nowicki seconded

RESOLVED, that the Purchasing Department is hereby authorized to advertise for bids for:

BID #43-2005 – AUDIO/VISUAL SYSTEMS FOR TOWN HALL RENOVATIONS

Bids to be returnable to Purchasing Department, 10 Maple Avenue, New City, New York by (time and date to be determined) at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Purchasing Department.

RESOLUTION NO. (469-2005) CONT.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia. Yes
 Co. Nowicki. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (470-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, by Resolution No. 379-2005, the Town Board awarded Bid No. 23-2005 to Peak Security Plus; and

WHEREAS, Peak Security Plus has notified the Town that they will be unable to fulfill their obligations pursuant to the bid; and

WHEREAS, the Deputy Town Attorney - Purchasing, has recommended revoking the original award and awarding the bid to the second lowest bidder;
NOW, THEREFORE, BE IT RESOLVED, that based upon the recommendation of the Deputy Town Attorney-Purchasing that Resolution No. 379-2005 is hereby amended as follows:

BID#23-2005 – SECURITY GUARD SERVICES FOR TOWN PARK FACILITIES

is hereby awarded to: **NORTHEAST SECURITY GUARD SERVICE
837 OUTLOOK AVENUE
W. BABYLON, NY 11704
PRINCIPAL: EMMANUEL ODIGIE, PRESIDENT**

as per their second lowest bid proposal of \$18.25 PER GUARD PER HOUR and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Deputy Town Attorney-Purchasing of the following:

- a) Signed Contract Documents – four sets
- b) Performance Bond – 100% of the project cost
- c) Labor and Materials Payment Bond – 100% of proposed project cost
- d) Certificate of Contractor’s Liability and Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Automobile Liability Coverage
- f) Certificate of Worker’s Compensation
- g) Certificate of Worker’s Disability Insurance Coverage

and be it FURTHER RESOLVED, that the Deputy Town Attorney, Purchasing, is hereby authorized to take any and all appropriate action against Peak Security Plus as a result of the breach of their obligations under Bid No. 23-2005.

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded.

FURTHER RESOLVED, that this project shall be under the supervision of the Recreation and Parks Department.

RESOLUTION NO. (470-2005) CONT.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (471-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Michael G. Loeffler has requested a leave of absence, without pay, and

WHEREAS, Article XIX, Section 1 of the Town of Clarkstown Labor Agreement, provides for a leave of absence, without pay,

Now, therefore, be it RESOLVED, that Michael G. Loeffler, 15 Oak Road, New City, New York – Engineering Technician – Department of Environmental Control – is hereby granted a six (6) month leave of absence, without pay, effective and retroactive to May 24, 2005 to November 23, 2005.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (472-2005)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, by report dated May 13, 2005, as a follow-up to discussions had at the Town Board Workshop of April 5, 2005, Shirley Thormann, Chairperson of the Clarkstown Planning Board, and Jose Simoes, Town Planner, have recommended modification of the Valley Cottage Hamlet Center Overlay District to eliminate or modify certain provisions which have interfered with its use, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to have this matter reviewed further by the Clarkstown Planning Board;

NOW, THEREFORE, be it RESOLVED, that the proposed amendment concerning the Valley Cottage Hamlet Center Overlay District is hereby referred to the Clarkstown Planning Board for its study and report with recommendations to be submitted to the Town Board on or before June 28, 2005.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (473-2005)

Co. Maloney offered and Co. Nowicki seconded

WHEREAS, by Resolution No. 110-2005, the Town Board authorized a home rule request for permission to site an emergency Services Telecommunications Tower; and

WHEREAS, pursuant to said resolution, the Town Board authorized Jose Simoes, Town Planner, to act as agent for the Board with respect to SEQRA review; and

WHEREAS, by Resolution No. 227-2005, the Town Board authorized the retention of Tectonic Engineering Consultants, PC, to perform a visual resource assessment at the proposed site; and

WHEREAS, the Town Planner recommends that two additional visual resource assessments be performed, and further recommends that the Town perform radiological testing and retain a consultant to perform a siting analysis; and

WHEREAS, the Town Planner estimates the cost of said services as follows:

Two visual resource assessments:	\$12,000
Radiological study:	\$ 5,000
Siting Analysis:	\$20,000
 Total estimated expense:	 \$37,000

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the sum of \$37,000 for the above-referenced services; and be it

FURTHER RESOLVED, that said services shall be procured pursuant to the Purchasing Department's procedures; and be it

FURTHER RESOLVED, that the fees for said services, not to exceed \$37,000, shall constitute a proper charge to H8754-409-0-78-41.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (474-2005)

Co. Nowicki offered and Co. Maloney seconded

RESOLVED, that upon the recommendations of the Town Attorney, the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed from: AFCO Development Corp., dated 1987, conveying the following road(s):

Virginia Street	550 L.F.
Pennsylvania Avenue	362 L.F.
Wach's Way	237 L.F.

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Twin Pond Park Subdivision is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office.

RESOLUTION NO. (474-2005) CONT.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (475-2005)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, MAAK CONSTRUCTION CORP. has made application for use of Town Law Section 278 in connection with the Dustman Lane Subdivision, which is located on the east side of Dustman Lane and approximately 400 ft. west of Route 304, Bardonia, New York, and is designated on the Clarkstown Tax Map as 58.14-1-66, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because the average density layout (cluster zoning) would preserve more open space, and

WHEREAS, the Town Board finds that the Planning Board is the lead agency on this subdivision application under SEQRA and that the Planning Board has reviewed the potential environmental impact of the proposed development and has determined that the proposed development, if approved, pursuant to Town Law 278, will not result in a significant adverse environmental impact and that all potential impacts mitigated to the maximum extent practicable, and that the Planning Board has adopted a negative declaration under SEQRA which the Town Board approves and incorporates by reference herein, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town if Town Law Section 278 authorization is granted for the development of the property shown on such proposed average density layout map entitled, "Dustman Lane Subdivision, Town of Clarkstown, Rockland County, New York, Cluster Development Preliminary Subdivision Plat," last revised December 21, 2004, prepared by Centerpoint Engineering, PLLC, in order to preserve more open space;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby authorizes the Planning Board of the Town of Clarkstown to use Town Law Section 278 for the proposed site of the DUSTMAN LANE SUBDIVISION as described herein, which is designated on the Clarkstown Tax Map as 58.14-1-66, subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board, consistent with the plan depicted on the aforesaid proposed Clustered Development Preliminary Subdivision Plat, including all map notes contained thereon, and with the further condition a further map note be added that no lot within the subdivision shall be further subdivided or otherwise converted to provide more than one dwelling unit, and be it

FURTHER RESOLVED, that this resolution, with conditions, shall be memorialized in a covenant running with the land, in a form approved by the Town Attorney, to be recorded in the Rockland County Clerk's office.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (476-2005)

Co. Lasker offered and Co. Nowicki seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, PRENTICE-HALL, INC. V. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index No(s). 4341/01 and 4748/02, affecting parcel(s) designated as Map 64.7, Block 1, Lot 10, (f/k/a 51-A-23) and more commonly known as Route 59, West Nyack, New York for the year(s) 2001/02 and 2002/03, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice pursuant to Section 727 of Real Property Tax Law of the State of New York and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, Tax Certiorari Counsel for the Town of Clarkstown and the attorneys for the Clarkstown Central School District, who believe the best interests of the Town and the School District are being served;

NOW, THEREFORE, be it RESOLVED, that:

- 1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 64.7, Block 1, Lot 10 be reduced for the year(s) 2001/02 from \$8,760,000 to \$6,535,500 at a cost to the Town of \$32,108.99;
- 2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 64.7, Block 1, Lot 10 be reduced for the year(s) 2002/03 from \$8,760,000 to \$6,300,000 at a cost to the Town of \$35,854.28;
- 3. Reimbursement for the year(s) 2001/02 and 2002/03 on the parcel described as Map 64.7, Block 1, Lot 10, as stated above, be made within ninety (90) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
- 4. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and Tax Certiorari Counsel for the Town of Clarkstown is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia. Yes
 Co. Nowicki. Yes
 Supervisor Gromack Yes

RESOLUTION NO. (477-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Councilperson Maloney, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

“A Local Law to Amend Chapter 290 (ZONING) of the Town Code of the Town of Clarkstown,”

and WHEREAS, the proposed local law is to amend Section 290-3(B) Defined words, to repeal the existing definition of “Family” and to enact a new definition;

NOW, THEREFORE, be it FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on June 28, 2005, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Jose Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (478-2005)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Councilperson John R. Maloney, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

“A Local Law to Amend Chapter 290 (ZONING) of the Town Code of the Town of Clarkstown,”

And WHEREAS, the proposed local law is intended to establish a Senior Independent Living Housing District (SIL) as a floating zone which would encompass facilities consisting of a building, or group of buildings in a campus setting, that would serve as a residence for persons age 60 or older, who do not need daily assistance and can live independently;

NOW, THEREFORE, be it FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on June 28, 2005, at 8:00 p.m. or as soon thereafter as possible, relative to such proposed local law, and be it

RESOLUTION NO. (478-2005) CONT.

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing, and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the proposed local law is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 (A) of the Zoning Local Law of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Jose Simoes, Town Planner, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that Jose Simoes, Town Planner, and Daniel N. Kraushaar, Deputy Town Attorney for planning matters, are hereby directed to complete their work on the proposed local law and deliver same in final form for consideration by the Town Board no later than June 17, 2005.

On roll call the vote was as follows:

Co. Lasker	Yes
Co. Maloney	Yes
Co. Mandia	Yes
Co. Nowicki	Yes
Supervisor Gromack	Yes

RESOLUTION NO. (479-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by report dated May 12, 2005, in response to a request by Supervisor Alexander J. Gromack, Planning Board, Building Inspector Peter Beary, Town Planner Jose Simoes, Shirley Thormann Chairperson of Planning Board, Daniel N. Kraushaar, Deputy Town Attorney for planning matters, submitted a report containing recommendations for amendment of the Town's Zoning Local Law affecting the current definition of floor area ratio (FAR), method of calculating building height and adding provision regulating maximum development coverage, and

WHEREAS, the Town Board wishes to have these recommendations studied by the Clarkstown Planning Board;

NOW, THEREFORE, be it RESOLVED, that the proposed amendments as described in the report referred herein are hereby referred to the Clarkstown Planning Board for its study and report with recommendations to be submitted to the Town Board on or before June 27, 2005, and be it

FURTHER RESOLVED, that the report of the Planning Board shall contain specific recommendations in a form sufficient for the Town Board to schedule a public hearing regarding amendment of the Zoning Local Law to be scheduled at the Town Board meeting of July 28, 2005 to be heard on August 23, 2005.

RESOLUTION NO. (479-2005) CONT.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (480-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by report dated May 12, 2005, Paul Schofield, Deputy Town Attorney has advised that the Architecture and Landscape Commission has recommended modification of the Zoning Local Law and Town Code, and amendment to Chapter 290 of the Zoning Local Law, Table 9 of the General Use Regulations for a PO District, to permit accessory signs for child day care centers, and to amend Chapter 5 (Architecture and Landscape Commission) to increase the Commission's time to review and report upon applications from 45 days to 62 days, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to have this matter reviewed further by the Clarkstown Planning Board;

NOW, THEREFORE, be it RESOLVED, that the proposed amendment concerning Child Day Care Centers is hereby referred to the Clarkstown Planning Board for its study and report with recommendations to be submitted to the Town Board on or before June 28, 2005.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (481-2005)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Donal Ryan has requested a refund of Building Permit fee (No. 05-648) paid in the amount of \$646.00 for premises located at 68 West Broadway, Central Nyack, New York, because he is unable to proceed as planned because the proposed addition exceeds the allowable size, and the Building Inspector has recommended a partial refund with retention of a processing review fee of \$110.00;

NOW, THEREFORE, be it RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of \$536.00, of the total Building Permit fee paid in the amount of \$646.00, to Donal Ryan, to be charged to Account No. B 02-6-2555-0, subject to receipt and cancellation of the Building Permit.

On roll call the vote was as follows:

Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (482-2005)

Co. Lasker offered and Co. Mandia seconded

WHEREAS, the Town Board adopted Resolution No. 134-2005 on February 8, 2005, providing the Clarkstown Planning Board with an additional ninety days to complete its review of the zone change application of Caliber Builders, Inc., for property identified as Map 43.19-3-84, from a CS District to the MF-3 District, and

WHEREAS, the application was considered by the Planning Board on May 25, 2005, but there was insufficient time to fully consider the matter and to make a recommendation and, therefore, with the cooperation of the applicant, the Planning Board has requested the Town Board grant a further extension of ninety days retroactive from May 9, 2005;

NOW, THEREFORE, be it RESOLVED, that the Town Board hereby provides the Clarkstown Planning Board with an additional ninety days to complete its review of the zone change application of Caliber Builders, Inc. and Amendment to the Comprehensive Plan, pursuant to Section 290-33A(2) of the Zoning Local Law, retroactive from May 9, 2005.

On roll call the vote was as follows:

- Co. Lasker Yes
- Co. Maloney Yes
- Co. Mandia Yes
- Co. Nowicki Yes
- Supervisor Gromack Yes

RESOLUTION NO. (483-2005)

Co. Maloney offered and Co. Lasker seconded

Whereas, following an inspection by the Department of Environmental Control, the existing mortared stone retaining wall located within the right-of-way at 71 Lake Road in Valley Cottage was found to be in a state of disrepair; and

Whereas, the Department of Environmental Control recommends that the wall be disassembled and reconstructed with new mortared joints; and

Whereas, the Department of Environmental Control has solicited proposals from qualified contractors to perform said work in accordance with their recommendation; and

Whereas, the Department of Environmental Control has received three (3) proposals in response to their solicitation; and

Whereas, the Department of Environmental Control has reviewed these proposals and found them to be acceptable;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

KJS Hauling & Home Improvements
95 Maple Avenue
New City, New York 10956

To perform the work in accordance with their proposal in the amount of \$3,225.00; and

Be It Further Resolved that this shall be a proper charge to account # A - 8730 - 409.

RESOLUTION NO. (483-2005) CONT.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

RESOLUTION NO. (484-2005)

Co. Maloney offered and Co. Lasker seconded

Whereas, an adverse drainage condition exists on lands belonging to the Palisades Interstate Parkway immediately adjacent to Utica Court in Nanuet; and

Whereas, said adverse condition represents a potential health hazard to those residents within the immediate area; and

Whereas, the Department of Environmental Control has solicited proposals from qualified contractors to provide the labor and equipment required to perform cleaning and grading operations on a per day basis in an attempt to alleviate said adverse condition; and

Whereas, this work is to be performed under the direct supervision of the Department of Environmental Control; and

Whereas, said work is subject to permission of the Palisades Interstate Park Commission to enter upon their property;

Now, Therefore, Be It Resolved that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Danny Clapp Landscaping, Inc.
 59 Schriever Lane
 New City, New York 10956

to perform said work in accordance with their proposal of \$1,450.00/day; and

Be It Further Resolved that the allowance for this work shall not exceed \$14,500.00 without further resolution of the Town Board.

On roll call the vote was as follows:
 Co. Lasker Yes
 Co. Maloney Yes
 Co. Mandia Yes
 Co. Nowicki Yes
 Supervisor Gromack Yes

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Lasker and unanimously adopted, the Town Board Meeting was closed, time 9:18 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

05/31/2005

8:12 P.M.

Present: Supervisor Alexander J. Gromack
Council Members Lasker, Maloney, Mandia, & Nowicki
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Proposed Local Law entitled "A Local Law to Amend Chapter 254 'Subdivision of Land' of the Town Code of the Town of Clarkstown"

On motion of Co. Mandia and seconded by Co. Maloney, the public hearing was opened. The Town Clerk read the notice calling the Public Hearing and testified as to the proper posting and publication.

Martin Bernstein
New City

He asked about what is the change and how much is being charged per individual lot.

The Town Attorney said the adoption of the Local Law does not change the rate and is merely changing the format by which the rate could be changed, and gives the Town Board the authority by resolution to make changes on the recommendation of the Planning Board.

Mr. Bernstein asked how it has been done in the past.

The Town Attorney said that in the past the amount is set forth in the Subdivision regulations. In the future it will not require a separate public hearing for each change, the Planning Board will be required to make an inquiry and recommendation to the Town Board.

Mr. Bernstein asked how will the public know if the fee will be increased and how much the change will be.

The Town Attorney said the Planning Board will take it up in its own Public Hearing after complying with notice and publication requirements.

Mr. Bernstein said that he proposed this law many years ago. At that time, instead of getting 10% of land from a subdivision for open space, it was decided that in smaller lots it would be better to use 10% of the value of the land as a fee. Since then, the 10% has not been used and he is concerned that today the 10% could amount to a lot of money. When 22 million dollars was set up for open space, consider paying per acre in open space and money in lieu of land in terms of the amount of money. He asked if every parcel of land is going to be set up in terms of money in lieu of land as to what the fee is or is there going to be a specific amount.

Robert Geneslaw
Planning Consultant

Mr. Bernstein is talking about setting a fee based on the percentage of the value of the land and there are a few communities in New York State that do this. The recommendation by the Planning Board is based on the system the Town has been using. The practical effect of the recommendation is that it will roughly double the fee that is being paid at the present time but it is still way below the relationship that Mr. Bernstein is talking about between the value of the land rather than acreage. The intent of the Local Law is that the Planning Board will look at it from time to time. There is no provision now in the Town Code that would increase the fee from year to year and the suggestion is to base it on the residential assessment rate so that each year the Town can take a look at what the rates are and if land values have increased, the fee can be increased based on the increase in the assessed value.

Mr. Bernstein asked if the money in lieu of land relates to this original idea that the Town could accept or get 10% of a large parcel to be donated by a subdivider?

Mr. Geneslaw said that subdivision regulations he has seen in New York State range from about 5% to 10% of the land from the subdivision.

Mr. Bernstein asked why the Town cannot apply the same to individual lots and apply the concept of "money in lieu of land."

Mr. Geneslaw said that the suggestion was to continue the practice the Town has had. The Town has found that smaller parcels are very expensive to maintain and they are only typical when a large subdivision is built. The Town has been requesting money instead of land.

Mr. Bernstein asked what is the amount for money in lieu of land today.

Mr. Geneslaw said it is \$3500 per lot for a detached single family home.

Mr. Bernstein said that is quite a difference from what we are paying for open space if that gets to almost double.

There being no further business and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Nowicki and unanimously adopted, the public hearing was closed, time 8:20 P.M.

Respectfully submitted,



Patricia Sheridan
Town Clerk

(RESOLUTION NO. 424-2005 ADOPTED)